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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,172	01/25/2002	Leonard D. Rarick	843161-103	5304

7590 09/15/2003

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EXAMINER

PHAM, LY D

ART UNIT	PAPER NUMBER
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2818

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,172

Applicant(s)

RARICK, LEONARD D.

Examiner

Ly D Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FINAL ACTION

DETAILED ACTION

1. Applicant's Amendment, filed on 22 July 2003, has been entered. Claims 1 – 9 have been canceled and claims 19 – 20 have been amended.

Response to Arguments

2. Applicant's arguments filed 22 July 2003 have been fully considered but they are not persuasive.

In contrary to applicant's indications in which "Leach does not disclose the use of combinatorial logic to operate as a ROM" (amendment page 9, lines 2 – 3 and 8 – 9) and that neither Leach nor Aipperspach disclose or suggests the use of combinatorial logic to represent read-only data values (page 9, last line to page 10, first line). The Office would like to draw the applicant's attention to Leach et al.'s disclosure, in paragraph 0150, in which such teaching of using combinatorial logic to represent ROM data is well known in the art (To accomplish this, a first portion of control logic 202 contains combinatorial logic for decoding the instruction code. Such combinatorial logic (shown as logic 202a in FIG. 4) can be realized in different well-known ways, such as a programmable logic array or a read-only memory.). Further, the limitation could also be found in the additional references cited herewith, though not used, but considered pertinent to the claimed invention.

Allowable Subject Matter

3. The indicated allowability of claims 19 and 20 is withdrawn in view of the following.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In **claims 19 and 20**, support for the “one stage two multiplexer” is not defined in the specification.

Appropriate clarification is required to reinstate allowability of these claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leach et al. (US Pat Pub 2003/0056081 A1) in view of Aipperspach et al. (US Pat 4,849,904).

Regarding **claim 10**, Leach et al. disclose a read-only memory system where read-only data is stored in combinatorial logic (paragraph 0150, lines 6 – 10).

Although the binary logic function disclosed by Leach et al. is not specifically adapted to receive two binary address bits, Aipperspach et al. however have shown such system (col. 6, lines 5 – 8), which generates a plurality of binary values from said two address bits and a plurality of logic functions (col. 6, lines 10 – 18), said read-only data including at least one of said plurality of binary values (col. 10, lines 40 – 44).

Therefore, it is considered obvious to one of ordinary skill in the art, at the time the invention was made, to include the binary logic function shown by Aipperspach et al. to the read-only memory system of Leach et al. so that various logical functions are implemented for versatility purposes.

Regarding **claim 11**, Leach et al. disclose the read-only memory system of claim 10, further comprising at least one multiplexer ... (paragraph 0091, lines 1 – 6).

Regarding **claim 12**, Leach et al. disclose the read-only memory system of claim 11, wherein said at least one multiplexer is adapted to select a subset of said at least one of said plurality of binary values based upon at least one address bit, ... (fig. 51, either select bit from SEL24, SEL25, or SEL 26 to the corresponding multiplexer, being distinct from the address bits).

Regarding **claims 17 and 18**, Leach et al. disclose the read-only memory system of claims 11 and 12, further comprising at least one decoder for decoding said at least one address bit (paragraph 0171, lines 7 – 12, the one address bit here is a LSB).

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Regarding **claim 16**, Aipperspach et al. also show the 2:1, 4:1, 8:1, and 16:1 multiplexers (col. 6, lines 34 – 59).

Regarding **claims 13 – 15**, the examiner takes an Official Notice that the logic functions consisting of AND, OR, XOR, NOT, NAND, NOR, and XNOR are considered common and well known in the art.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat 6,452,959 B1 (col. 8, line 13 – col. 9, line 13, col. 9, line 63 – col. 10, line 3), US Pat 5,428,579 (col. 13, lines 31 – 46), US Pat Pub 2003/0041083 A1 (paragraph 0014), US Pat 5,870,431 (Summary of the Invention), and US Pat 4,764,926 (col. 7, lines 29 – 32).

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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10. When responding to the office action, Applicant(s) are advised to provide the examiner with the page and line numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

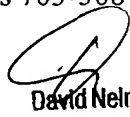
11. Any inquiry concerning this communication on earlier communications from the examiner should be directed to Ly Pham, whose telephone number is 703-305-4862. The examiner can normally be reached on Monday – Friday from 8:30am to 5:00pm, alternate Friday off. The examiner's supervisor, David Nelms, can be reached at 703-308-4910. The fax number for the organization where this application or proceeding is assigned is 703-308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Ly Pham



April 29, 2003



David Nelms
Supervisory Patent Examiner
Technology Center 2800